

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO.: 05-CV-2210(DC)  
THE HONORABLE DENNY CHIN

RENATO GUIMARAES, JR.,

Plaintiff,

vs.

SPEISER, KRAUSE, NOLAN &  
GRANITO, a professional corporation f/k/a  
SPEISER, KRAUSE, MADOLE & LEAR, a  
professional corporation,

Defendant.

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**NOTICE OF MOTION**

PLEASE TAKE NOTICE THAT Plaintiff, Renato Guimaraes, Jr. ("Guimaraes") by his attorneys, Berman, Kean & Riguera, P.A. and pursuant to Federal Rules of Civil Procedure 12 and 56, moves for entry of an Order granting Guimaraes summary judgment and dismissing Defendant's Counterclaims on all matters before this Court on the basis that said Counterclaims are unsupported and barred by the applicable law, and there is no genuine issue of material fact in dispute. This motion is based upon Guimaraes' Memorandum of Law, the pleadings, discovery, declarations and depositions of record, and Guimaraes' Rule 56.1 Statement, attached to his supporting Memorandum.

PLEASE TAKE FURTHER NOTICE THAT responsive papers, if any are required to be served no later than June 29, 2007, by Order of the Court.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 31, 2007, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the

following: **William J. Apuzzo, Attorney for Defendant, 800 Third Avenue, Suite 800, New York, NY 10022.** The foregoing will also be sent via Federal Express to **William J. Apuzzo** at the above address.

s/ Jose R. Riguera  
Counsel of Record for Plaintiff  
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